

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DAVID AMBROSE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

BOSTON GLOBE MEDIA PARTNERS, LLC,

Defendant.

Case No. 1:22-cv-10195-RGS

JOINT MOTION TO STAY

Plaintiff David Ambrose (“Plaintiff”) and Defendant Boston Globe Media Partners, LLC (“Boston Globe,” together with Plaintiff, the “Parties”), hereby jointly move for an order staying the action. As grounds for this motion, the Parties states as follows:

1. On May 20, 2022, Plaintiff filed the operative Class Action Complaint (ECF No. 22);
2. On June 21, 2022, Boston Globe responded to the Class Action Complaint by filing a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 24);
3. On September 19, 2022, the Court issued an Opinion Denying Defendant’s Motion to Dismiss (ECF No. 31);
4. On September 19, 2022, the Court issued a Pretrial Schedule (ECF No. 32);
5. On October 12, 2022, Boston Globe filed an Answer to the Class Action Complaint (ECF No. 36);
6. Counsel for the Parties have discussed potential resolution of this matter and have agreed to submit this matter to private mediation;

7. The Parties believe that judicial economy and the interests of the Parties would be served by a stay of this action to preserve the status quo while the Parties conduct their private mediation;

8. The Parties intend to mediate before the Honorable Frank Maas (Ret.) on February 8, 2023.

9. The Parties agree that, no later than 5 days after the mediation, the Parties shall file a joint status report to update the Court on the status of their efforts at resolution, including whether a schedule should be re-set for the remainder of the case.

WHEREFORE, the Parties respectfully request that the Court stay this action and require the Parties to submit a joint status report by February 13, 2023.

Dated: January 18, 2023

Respectfully submitted,

/s/ Jeffrey G. Landis

Jeffrey G. Landis*
Marc J. Zwillinger*
ZWILLGEN PLLC
1900 M Street NW, Ste. 250
Washington, DC 20036
Tel: (202) 296-3585
Fax: (202) 706-5298
E-Mail: marc@zwillgen.com
jeff@zwillgen.com

Respectfully submitted,

/s/ Philip L. Fraietta

Philip L. Fraietta*
Joshua D. Arisohn*
BURSOR & FISHER, P.A.
888 Seventh Avenue
New York, NY 10019
Tel: (646) 837-7150
Fax: (212) 989-9163
E-Mail: jarisohn@bursor.com
pfraietta@bursor.com

BURSOR & FISHER, P.A.
Christopher R. Reilly*
701 Brickell Avenue, Suite 1420
Miami, FL 33131
Telephone: (305) 330-5512
Facsimile: (305) 679-9006
E-Mail: creilly@bursor.com

Matthew N. Kane
DONNELLEY, CONROY & GELHAAR, LLP
260 Franklin St, Ste. 1600
Boston, MA 02110
Telephone: 617-720-3554
Email: mnk@dcglaw.com

**Pro Hac Vice*

Attorneys for Defendant

David S. Godkin (BBO#196530)
James E. Kruzer (BBO#670827)
BIRNBAUM & GODKIN, LLP
1 Marina Park Drive, Suite 1410
Boston, MA 02210
Telephone: (617) 307-6100
Email: godkin@birnbaumgodkin.com

**Pro Hac Vice*

*Attorneys for Plaintiff and the Putative
Class*

CERTIFICATE OF SERVICE

I, Philip L. Fraietta, hereby certify that on January 18, 2023, a true and accurate copy of the foregoing document was filed electronically with the clerk of court via CM/ECF, which will then send a notification of such filing to all counsel of record and those who have registered for notice.

/s/ Philip L. Fraietta

Philip L. Fraietta (P85228)

BURSOR & FISHER, P.A.

888 Seventh Avenue

New York, New York 10019

Tel: 646.837.7150

Fax: 212.989.9163

pfraietta@bursor.com